



FAX COVER PAGE

DATE: February 21, 2008

PAGES INCLUDING THIS PAGE: 2

TO: Mary C. Till; Legal Advisor
COMPANY: United States Patent & Trademark OfficeFAX NUMBER: 571-273-7755
PHONE NUMBER:

FROM: Brad A. Schepers, Reg. No. 45,431

DIRECT DIAL: (317) 238-6334
FAX NUMBER: (317) 636-1507

RE: Patent Term Extension Application for US Patent No. 5,782,919

COMMENTS: I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office at 571-273-7755 on:

February 21, 2008
(Date of Transmission)Brad A. Schepers
Name of Registered Representative

A handwritten signature in black ink that appears to read "Brad A. Schepers".

Hard copy will be sent via: Regular Mail Overnight Courier Fax Communication Only

Name of Sender: Cheryl Kalugyer

Client Matter No.: 334 MSDI-1

WARNING CONFIDENTIALITY NOTICE

The documents constituting this fax transmittal contain confidential information belonging to the sender which is legally privileged. The information is intended only for the use of the individual(s) or entity named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance upon the content of this fax transmittal is strictly prohibited. If you have received this fax transmittal in error, please immediately notify us by telephone at the number below to arrange for return of the original documents to us. Thank you.

For Questions or Problems in Transmission, Please Contact our Fax Operators

KRIEG DEVAULT LLP
ONE INDIANA SQUARE
SUITE 2800
INDIANAPOLIS, IN 46204
TELEPHONE-(317) 636-4341
FAX-(317) 636-1507KRIEG DEVAULT LLP
12800 N MERIDIAN STREET
SUITE 300
CARMEL, IN 46032
TELEPHONE-(317) 566-1110
FAX-(317) 636-1507KRIEG DEVAULT GALVIN
LLP
5231 HOHMAN STREET
HAMMOND, IN 46320
TELEPHONE-(219) 933-0380
FAX-(219) 933-0471KRIEG DEVAULT LUNDY
LLP
825 ANTHONY WAYNE
BUILDING
203 EAST BERRY STREET
FT. WAYNE, IN 46802
TELEPHONE-(260) 422-1534
FAX-(260) 423-1590

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:
Thomas Zdeblick et al.)
Patent Term Extension Application for
U.S. Patent No. 5,782,919)
Issued July 21, 1998)
INTERBODY FUSION DEVICE AND
METHOD FOR RESTORATION OF
NORMAL SPINAL ANATOMY)

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office at 571-273-7755 on:
February 21, 2008
Date of Transmission
Brad A. Schepers
Name of Registered Representative

Signature
February 21, 2008
Date of Signature

Via Facsimile Transmission: 571-273-7755

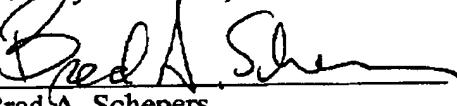
**REQUEST FOR VOLUNTARY WITHDRAWAL
OF PATENT TERM EXTENSION APPLICATION**

Mail Stop Hatch-Waxman PTE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Notice of Final Determination and Requirement for Election dated January 29, 2008 regarding the above-identified patent term extension application for U.S. Patent No. 5,782,919, the Applicant hereby expressly and voluntarily withdraws the subject application for patent term extension. The Applicant notes that U.S. Patent No. 5,984,967 has been expressly elected for patent term extension pursuant to 35 USC §156. Please charge any fees which may be owed to Deposit Account No. 12-2424.

Respectfully submitted,

By: 
Brad A. Schepers
Reg. No. 45,431
Krieg DeVault LLP
One Indiana Square, Suite 2800
Indianapolis, Indiana 46204-2079
(317) 238-6334 (voice)
(317) 238-6371 (facsimile)